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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,293

01/12/2005

Anders Hultgren

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EXAMINER

GAY, SONIA L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,293	<b>Applicant(s)</b> HULTGREN ET AL.	
	<b>Examiner</b> SONIA GAY	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10 - 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

This action is in response to Amendment submitted on 05/21/2008 in which claims 1- 7, 10- 15 are submitted for examination.

#### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities:

"Includes" should be "include" for proper agreement with "mobile communication terminals". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10, and 14- 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 14-15 recite the acronym "IP". This acronym should be spelled out when it first appears in the claims.

Claim 10 recites, "the request being relayed from one operator's access server to another access server in case of different access servers, wherein the access servers are independent of each operator". The use of the phrase "one operator's access server" contradicts the statement "wherein the access servers are each independent of each operator" since the phrase "operator's

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access server" implies that the access server belongs to the operator. Additionally, the term "operator" lacks proper antecedent basis.

The examiner interpreted the claim to mean that the "access server" does not belong to the operator and that the "operator" is the operator of the mobile communication network.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Flowers, JR. et al. (US 2003/0105812).

4. As to claim 1, Flowers, JR. et al. teaches an arrangement for relayed services in a mobile radio frequency telecommunication system comprising: a plurality of mobile communication terminals from which an established point-to-point connection either originates or terminates ([0021] [0027] [0075] ); the mobile communication terminals operating in a mobile packet switched communication network ( [0076] [0077] [0101]); a global and universal interconnecting network ([0071] [0072]); at least one router which bi-directionally provides a connecting bridge for transmission of data between the mobile packet switched communication network ([0077] [0101]); and, at least one Internet relay mobile Voice over IP (IRMV) server in the global and universal interconnecting network, to enable communication between mobile

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communication terminals, wherein the IRMV is independent of an operator of the mobile packet switched communication network and includes means for establishing a dedicated chat channel between a calling mobile communications terminal and a called mobile communications terminal ( [0021] [0027] [0054] [0055] [0058] [0060] [0072] [0107] [0111] [01118] [0155 – 00165]).

As to claim 2 and 3, Flowers, JR. et al. further teaches wherein

the server and router include means for allowing voice information to be transmitted over the data distribution channels ([0054][0058] [0060] [0061] [0072] [0074] [0101] [0144] [ 0145] [0155] [0212] [0213] ).

the mobile communication terminals include means for allowing voice information to be transmitted using a data communication mode of the mobile communication terminals ( [0097] [0098] [0101] [0103] [0104] ).

As to claim 10, Flowers, JR. et. al. teaches a method in a mobile radio frequency telecommunication system for establishing a connection for voice data distribution, comprising the steps of : a first mobile communication terminal transmitting a request for establishing a communication session with a registered IP-address of a second mobile communication terminal, the request being relayed from one operator's access server to another access server in case of different access servers ( [0107] [0155] [0156] [0174]), wherein the access servers are independent of each operator an include means for establishing a dedicated chat channel between the first mobile communication terminal and the second communication terminal ( [0021] [0027] [0054] [0055] [0058] [0060] [0072] [0107] [0111] [01118] [0155 – 00165]); the second mobile communication terminal transmitting an acknowledgement message to the first mobile

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communication terminal including acceptance message and preparation for communication session message, the request being relayed from one access server to another access server in case of different access servers ([0107] [0175]); and, establishing a relayed communication session between the first and second mobile communication terminals via the access servers ([0107] ).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, JR. et al. (US 2003/0105812) in view of O'Brien, Jr. (US 2003/0031165).

For claims 4 and 5, Flowers, JR. et al. fails to teach wherein voice traffic is encoded in accordance with any of the ITU H.323. protocols and access points for the mobile communication terminals, the IRMV server being located within one of the access points.

However, O'Brien discloses a system and method of providing voice over IP wherein call signaling is set up at a remote location and voice (*media content of a call* : Abstract), encoded with H.323, flows between the user and destination, but not through the remote location ([0004] [0005] [0006]), for the purpose of allowing a customer, separate from a network operator, to provide call services without having to maintain VoIP networks or VOIP network equipment

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([0012]). Additionally, O'Brien discloses that the customer authentication and H.323 server may be included in the access point (*inbound provider network* : [0028] ) for the purpose of authenticating the caller, establishing call signaling and a direct communication link between the caller and the destination ([0042] [0043] [0044] [0050] [0051]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the IRMV server disclosed above in Flowers, JR. et al. in an access point for the purpose of providing authentication and the establishment of communication links between mobile terminals to stream voice, media data encoded with H.323.

For claim 6, Flowers, JR. et al. further disclose wherein the mobile communication terminals are WLAN or Bluetooth enabled devices (Flowers, JR. et al., [0101]).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, JR. et al. (US 2003/0105812) in view of Hulyalkar et al. (US 7,110,366).

Flowers, JR. et al. fails to teach, depending on the transmission quality of a call, establishing a new routing path onto which an established call of unsatisfactory transmission quality can be exchanged.

However, Hulyalkar et al. discloses a method for determining the quality of the communication paths within a mobile wireless network wherein the quality levels for a relay path between relay stations, mobile terminals, are measured for the purpose of establishing alternative relay paths if the current path is deemed unreliable (Abstract; column 7 lines 25 – 60).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Flowers, JR. et al. with the teachings of Hulyalkar et al. to monitor the transmission quality of a call by measuring the quality levels of the relay paths between the mobile terminals, relay stations, for the purpose of establishing a new routing path onto which an established call of unsatisfactory transmission quality can be exchanged.

7. Claims 11, 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, JR. et al. (US 2003/0105812).

For claim 11, Flowers, JR et. al. fails to teach continuing to establish a connection with at least a third communication terminal which is connected to the previously connected mobile communication terminals. However, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to employ the method disclosed above in Flowers, JR. et al. to establish a connection with at least a third communication terminal for the purpose of conducting a conference or voice over IP in a multi-user group which can comprise of three or more members such as employees within a company ([0051] [0052] [0062] [ 0118]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Flowers, JR et al. to establish connections with at least a third communication terminal for the purpose of conducting a conference or voice over IP for multiple users within a group.



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For claims 13 - 15, Flowers, JR. et al. further discloses  
the step of registering the IP-address, the IP address being associated with certain  
identifiers ([0060] [0145] [0153] [0154] [0155] ).

the step of allocating IP-addresses utilizing a Internet service provider (ISP), or other  
entity managing an access point ([0153]).

the step of searching, utilizing a search engine and file sharing software for a dynamic IP-  
address by means of thereto associated identifiers ([0107] [0154] [0155]).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-7 and 10 -15 have been considered but are  
moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The  
examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the  
organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 2614

August 21, 2008

/Ahmad F MATAR/  
Supervisory Patent Examiner, Art Unit 2614